

# Antisocial Behaviour Policy

Code: AMH 5.0

Version: 4.0

Created: March 2024

Review: May 2027

Author(s): Community Safety Manager

## 1. Our policy statement

- 1.1. This document sets out our approach to preventing, reducing and managing Antisocial Behaviour (ASB) reports.
- 1.2. This policy details the core principles of our service and in conjunction with our ASB procedure, outlines the steps that we take when managing cases of ASB so that we comply with the content of this policy.
- 1.3. In addition, our Good Neighbourhood Management Policy provides guidance on how we manage reports which we do not assess to meet our definition of ASB. This policy may also need to be referred to when using this policy.
- 1.4. This policy applies to all types of occupancy that we own and/or manage.
- 1.5. This policy does not apply to environmental ASB (e.g. bulk waste removal and fly-tipping) which is managed by our SQM and Homes & Communities Team.

## 2. Associated frameworks

- 2.1. This policy is informed by and should be read in conjunction with the following (not exhaustive):

### **Legislation:**

- Housing Act 1988
- Crime and Disorder Act 1998
- ASB, Crime and Policing Act 2014
- GDPR and Data Protection legislation
- Human Rights Act 1998
- Equality Act 2010

### **External policy/strategy:**

- The Consumer Standards (as set by the Regulator of Social Housing)
- The Home Office ASB Principles
- The ASB, Crime and Policing Act 2014 Statutory Guidance

## 3. The scope of this policy

- 3.1. This policy applies to all types of occupancy that we own and/or manage.
- 3.2. This policy applies to all of Sage's tenancy types, including general needs social housing tenancies, whether for new-build or re-let homes and shared ownership homes.
- 3.3. For our approach on Domestic Abuse, see our Domestic Abuse Policy.
- 3.4. Our ASB service is underpinned by the following principles:
  - 3.4.1. We seek to work transparently and fairly with those who report ASB, taking an objective, evidence-based approach to our investigations and decision making, and being honest about any limitations.

- 3.4.2. We adopt a harm centred approach to ASB, considering the behaviour type and the impact/circumstances of the behaviour. We use this to make key decisions such as whether a report meets our definition of ASB, the category to assign it and the necessary/proportionate action to take to resolve it.
- 3.4.3. We work with our partners to deter and tackle ASB. We recognise there may be times where we are not the best agency to lead on a case but seek to establish this without unnecessary delay and may continue to support the case where another agency takes the lead.
- 3.4.4. We seek to identify and understand risk and vulnerability in relation to all parties involved in a case, taking the necessary action to mitigate this risk where appropriate.
- 3.4.5. We consider the full range of tools and powers when deciding the best course of action in a case, including informal and legal tools. Whilst our preference is always to resolve issues using informal means, we will consider the most proportionate response in each case. There may be times where a partner agency has a tool better suited to resolve harm and we will work with them to determine an action plan.
- 3.4.6. We seek to empower and involve the reporter in our response to ASB. There may be steps that we require a reporter to take in a case and we will ensure we are clear on what is required and that it is a reasonable request within the circumstances.
- 3.5. Sage Homes is a “for profit” housing provider, which means that we do not have the same tools and powers available to us as “not for profit” housing providers. This does limit the legal tools that we have at our disposal and means that in some circumstances we must rely on our partners to utilise those tools that we cannot. We will ensure to support these partner actions as much as we are reasonably able to do so.

## 4. What is ASB?

### Our Definition

- 4.1. We use the statutory definition of housing related ASB that is detailed in Part 1 of the ASB, Crime and Policing Act 2014, which states that ASB is “conduct capable of causing housing-related nuisance or annoyance to any person”.
- 4.2. We are responsible for deciding whether a report meets our threshold to be considered ASB. We adopt a two-stage approach for this decision making:
  - Does the behaviour meet the statutory definition of ASB?
  - Is the behaviour unreasonable?
- 4.3. We recognise that this threshold is low, and residents have different tolerances, expectations, and perceptions in relation to whether behaviour is appropriate or not. Whilst we will always consider the particular circumstances of the person reporting the behaviour, there may be times where the behaviour would be inappropriate to class as ASB. To help us decide this, we also apply a reasonableness test when assessing

reports, considering factors such as:

- Intention of behaviour
- Root cause of the behaviour
- Frequency
- Duration
- Times occurring

- 4.4. Our Good Neighbourhood Management Policy sets out the types of behaviour that we are unlikely to consider to be ASB. It also details the steps that we may take when we make this decision.

### **Domestic Abuse**

- 4.5. We have a separate domestic abuse policy which should be referred to in relevant cases, however, reports of domestic abuse may also be considered under this policy. This is likely to occur where the domestic abuse is impacting upon others eg causing noise disturbance to neighbours. We train our officers to recognise where reports of ASB may have arisen from incidents of domestic abuse, ensuring that the most appropriate case management actions and decisions can be taken.
- 4.6. We recognise the need to act sensitively in these matters and to ensure that the needs of the victim/survivor of the domestic abuse are balanced against the needs of the wider community.

### **Hate Incidents**

- 4.7. We have a separate hate crime/incident policy that is read in conjunction to this policy where we receive reports of ASB that are hate motivated. We ensure that our officers are trained to recognise these types of incidents and ensure that they are categorised as high-risk reports, where appropriate.

### **Behaviour towards employees and contractors**

- 4.8. There may be occasions where the victim of the ASB is one of our employees or contractors. We will consider these matters on a case-by-case basis, considering the circumstances leading to the behaviour, the severity, the facts of the incident and the impact upon the person affected and may take action in line with this policy as a result.
- 4.9. Due to the limited legal powers we hold as a “for profit” housing provider, if the person causing the harm is not one of our tenants (or their household member/visitor) then we will be reliant on our partners (e.g. the Police and/or the relevant Local Authority) to assist us where legal intervention is required.

## **5. Remits and Responsibilities**

- 5.1. Our occupancy agreements allow us to take action to address ASB where the person causing the harm is a tenant, household member or visitor. The behaviour will generally need to have occurred within the locality of the property, unless it is housing related as a result of the status of the victim (eg they are an employee or neighbour). The term ‘locality’ is not defined in legislation, and we will consider the circumstances of each individual case when deciding how wide an area it covers.
- 5.2. As a “for profit” housing provider, we do not have access to the ASB injunction (Part 1 of the ASB, Crime and Policing Act 2014) that “not for profit” housing providers have. If a report is made to us by one of our tenants and the alleged perpetrator is not one of

our tenants, we will speak to the Police and/or the Local Authority to determine a partnership plan. If the alleged perpetrator is a tenant of another social housing provider or a private landlord, we may refer the matter to them to lead on, offering support where appropriate.

- 5.3. Where a report of ASB constitutes a possible criminal offence, we will encourage the reporter to make the Police aware. Where the Police are investigating a criminal matter, we will work with them to determine whether it is appropriate for us to take parallel investigations, or whether it is more appropriate to await the outcome of their investigations first. Where a Police investigation has been concluded and no further action is to be taken by them, we may consider taking tenancy action depending on the circumstances of the matter.
- 5.4. If we feel that a case concerns behaviour that amounts to a statutory nuisance, we will consider whether we should refer the matter to the relevant Environmental Health Team to determine whether action under the Environmental Protection Act is appropriate.

## 6. Receiving Reports

### How to report ASB

- 6.1. Our preference is to receive reports of ASB directly to our Customer Contact Team or via the online reporting portal (which is managed by the Customer Contact Team). This team will take details from the customer and ensure that it is directed to the Community Safety Team inline with our agreed timescales. This team complete the initial assessment of a report and therefore it is in the best interest of the person making the report to do so directly to them, ensuring the quickest possible response. Whilst this is our preference, we will accept reports in other forms, including but not limited to, via the portal, via emails, via telephone etc.
- 6.2. We will accept reports from third parties, such as elected members or support workers, however in most instances we will need to speak directly to the person experiencing/witnessing the behaviour in order to progress our investigations.

### Assessing Triaging Reports

- 6.3. When we receive a report, we will work to quickly determine whether it meets our definition of ASB. We seek to ensure this is an informed decision and may, therefore, need to conduct some investigations before making this determination.
- 6.4. We also categorise reports based on risk and harm. We use the following categories:

| Category                     | Types of behaviour  | Response Time    |
|------------------------------|---|------------------|
| High risk                    | Domestic abuse, hate incidents, threats of or actual violence to person, or situations where the harm to the victim's health and well-being is considered to be high. | 24 working hours |
| Standard, Low to medium risk | All other behaviours that are not environmental and do not fit into the high-risk category.   | 5 working days   |

- 6.5. The response time relates to the period between the officer managing the case receiving the report and their attempts to make contact with the customer to arrange an interview to discuss the matter further. “Working hours” relates to the office hours of the Community Safety Team.
- 6.6. We also assess risk and vulnerability by using a vulnerability risk assessment (VRA). This is completed following an interview with the reporter. Depending on the outcome of the assessment, actions will be identified and taken to assist in reducing the risk level.
- 6.7. We recognise that risk can increase/decrease during the course of an ASB case and, therefore, VRA are kept under review during the life of a case and changes in scoring responded to as appropriate.

## 7. Working with parties in a case

### **Social Responsibility**

- 7.1. We wish for all communities within our areas to thrive. This requires cooperation, compromise and empathy from the residents living, working, or visiting within these communities. We ask residents to be respectful and considerate with regards their behaviour, to listen when another person may raise concerns to them, and to try to find compromise and solution together.
- 7.2. In addition, our customers will have legal obligations within their occupancy agreements. Whilst the exact wording of these obligations will depend on their own occupancy agreement, there will always be conditions relating to behaviour, including ASB and criminal activity.
- 7.3. Our customers are responsible for their own behaviour, that of any household members (including pets) and any visitors to their property, at the address and within the locality of the address. There are occasions, such as where directed to an employee or a neighbour, when the behaviour can occur outside of the locality of the address and still be considered ‘housing related’.

### **Support for Reporters**

- 7.4. In addition to adopting practices aimed at identifying risk and vulnerability, we will also seek to support those who report ASB in other ways.
- 7.5. We will always ensure that we keep in contact with those reporting ASB, being clear, transparent, and fair in our communication. We will update on progress of a case as much as we are able without breaching data protection laws. For example, actions in a case may relate to the needs and circumstances of a third party and we would be unable to share this information with the person reporting the ASB.
- 7.6. In addition to clear and regular communication, we also seek to support those experiencing ASB in other ways. The list below is not exhaustive and gives examples of what we may consider, dependent on the circumstances of each case:
  - Referrals to internal support, such as tenancy support services
  - Referrals to external support, such as local charities or voluntary organisations

- Referrals to safeguarding or public health teams.
  - Liaising with partners to identify target hardening opportunities.
- 7.7. Where we take legal action in ASB cases we often require evidence from residents. We understand that this can be a daunting experience and will seek to ensure appropriate support is made available to the witness should they wish to accept it. Sometimes the support available will depend on the area we are working/the Court we are using, but types of support may include:
- Signposting to advice and guidance on being a witness, such as specialist websites.
  - Arranging a pre-court visit to allow the witness to familiarise themselves with the environment.
  - Helping arrange transport.
  - Arranging a separate entrance to the court and waiting room
  - Accompanying the witness around the court building
  - Ensuring they have time to speak with our legal representative to seek clarification to any questions or concerns they may have.

#### **Support for those causing the harm**

- 7.8. We do understand that those people causing the harm may have needs and vulnerabilities themselves. Whilst we do not consider this to be a justification for causing harm to others, we do recognise that helping to meet these needs can benefit all parties, bringing resolution of the ASB for the person suffering and improving the wellbeing of the person causing the harm.
- 7.9. Through our case management processes we seek to identify and understand the needs that a perpetrator may have. This includes:
- Triaging and assessing reports effectively, with a focus on understanding the root cause of the problems, ensuring that we recognise when the person causing the harm may also be a victim (eg of exploitation)
  - Using internal systems to see whether we hold information which assists us in understanding needs
  - Working with our partners to seek out and share information about needs
  - Discussing matters with the perpetrator and enquiring whether they require support (where appropriate)
- 7.10. Where support needs are identified we will determine appropriate responses which may include:
- Referrals to internal support, such as tenancy support services
  - Referrals to external support, such as local charities or voluntary organisations
  - Referrals to safeguarding or public health teams.
- 7.11. We adopt a twin-track approach in most cases, offering support whilst also taking the appropriate action to try and prevent further ASB, recognising that we also have to

balance the needs of the person/s suffering the harm. For this reason, where we recognise the need for support, but it is not available or accepted, we may continue to take action to deal with the ASB. Equally, if the support is accepted but we believe the person is not fully engaging or disguised compliance is occurring, we may continue to take action appropriate to reduce the harm to those suffering.

## 8. Working with partners

- 8.1. There are few ASB cases that can be resolved effectively as a single agency response. Most will require engagement with other statutory and non-statutory partners. Examples of agencies we work with include the Police, other housing providers, social care, public health providers, the fire service and third sector organisations.
- 8.2. As a “for profit” housing provider we are more dependent on partnership working and cooperation than “not for profit” housing providers may be. This is because we do not have access to the full legal toolkit. We cannot use the ASB injunction, which is the tool that many housing providers will use to deal with immediate risk of harm. We are limited to tenancy actions, which often take a great deal of time and, therefore, do not manage most effectively the immediate problem. In cases where harm is serious and continuing, we may seek support from the Police and/or Local Authority, including asking them to consider use of tools such as the Community Protection Notice, ASB Injunction and Closure Powers. We will support these actions as far as we reasonably can, and these actions may run parallel to taking our own tenancy action.
- 8.3. Where a partner agency does seek an order that where gained or breached is a ground for using the absolute ground for possession, then we will seek to take this action if believed necessary and proportionate.
- 8.4. In relation to partnership working, we seek to:
  - Identify appropriate partners to involve in a case and engage with them.
  - Share information that is relevant to a case in order to fully understand risk and vulnerability and ensure that we take the most proportionate and effective actions.
  - Work with other partners to identify a lead agency and understand how we will contribute to the management of the case
  - Develop a joint action plan that clearly identifies a lead agency and the required actions of all involved.
  - Be clear on the extent and limitations of our role and responsibilities.
  - Seek the views of others before commencing legal action to ensure there is no duplication and the solution proposed is most suitable.

### Information sharing

- 8.5. Effective partnership working relies on information sharing. We will ensure that we are sharing information with others where we have a clear lawful basis and legitimate purpose for doing so.
- 8.6. We are signatories to local information sharing protocols and commit to sharing, storing, using, and retaining information as set out within.

### **Partnership forums**

- 8.7. Partnership forums are designed to facilitate a multi-agency response to local issues, including ASB and related behaviour. We will attend and actively engage in those which are relevant to our work. We expect the same in return from our partners.
- 8.8. In addition, we may organise professionals' meetings in relation to individual cases to ensure that all information is known by all relevant bodies and that the most informed and appropriate decisions can be made in a case.

## **9. Tools and powers**

### **General Principles**

- 9.1. Where we have the necessary evidence to determine that the ASB reported has occurred we will next consider what action is most appropriate to reduce the harm being caused. We do not adopt an incremental approach requiring us to take the lowest form of action first. We will consider many factors, such as severity, risk, frequency, needs etc, to determine what action is most proportionate. We aim to take the lowest form of action that we believe has a genuine chance of achieving the outcomes that we are seeking.
- 9.2. In the majority of cases, non-legal interventions will be the most proportionate form of action in the first instance. Save for the most serious forms of ASB (considering the type of behaviour and the harm that it is causing), we will attempt to resolve matters through practical solutions, warnings, and voluntary agreements before resorting to more formal approaches.
- 9.3. We rely on evidence to be able to take action and often we will need those experiencing the ASB to provide this evidence. Evidence may include completed diary sheets, information recorded by the ASB app, CCTV, or video doorbell recordings, reports to agencies or signing a witness statement. Where we are unable to obtain this evidence, it is unlikely that we will be able to take action. Our powers ultimately rely on the Court deciding to grant the order when we request them to.

### **Prevention**

- 9.4. We seek to ensure that ASB does not occur in the first place. We do this in a range of ways which include but are not limited to:
  - Using a sensitive allocations/lettings policy
  - Making customers aware of responsibilities at sign-up
  - Operating a starter tenancy regime
  - Making advice and guidance available to customers and residents
  - Working with partners to host community events and take part in estate walkabouts etc.
  - Looking at environmental improvements, such as better lighting etc.

### **Self-help**

- 9.5. We seek to empower those reporting harm to be part of the solution, believing that this often results in the best outcomes for all involved. Indeed, sometimes the involvement

of an agency can exasperate a situation that could otherwise have been amicably resolved between the parties. Where we believe it is appropriate to do so, we may ask parties to:

- Speak to the person causing them concern first to try and find a solution.
- Consider a reasonable change in behaviour or routine to improve the problem.
- Engage in mediation.
- Review guidance from the Community Safety Toolkit located at [www.sagehomes.co.uk](http://www.sagehomes.co.uk).

9.6. Where a party refuses to cooperate with our suggestions, without good reason, we may not be able to take any further action.

#### **Informal actions**

9.7. There are a range of informal methods that we use to resolve harm in ASB cases. These include, but are not limited to:

- Practical solutions, such as environmental improvements
- Warning letters
- Meetings
- Acceptable Behaviour Contracts (ABC)
- Good Neighbourhood Agreements (GNA)

9.8. Where we request someone to enter into a voluntary agreement (such as an ABC or GNA) with us and they refuse, we may need to progress to legal action.

#### **Legal actions**

9.9. Where we believe it is necessary and proportionate, and we have the required evidence, we may consider legal action in an ASB case. As mentioned throughout this policy, our “for profit” status limits the tools that we have. Our legal options are often limited to tenancy action, which may include:

- Ending or extending a starter tenancy
- Serving notice of seeking possession relying on the relevant mandatory and/or discretionary ground/s for possession, which may result in a suspended or outright possession order.

9.10. Where there are other housing management concerns, such as an existing suspended possession order for rent arrears, we may seek to vary this order to introduce the breaches of tenancy relating to ASB.

9.11. We will also consider other legal options that may be available to use, such as injunctions under non-ASB related legislation.

9.12. Tenancy action has a serious consequence, given it can result in someone becoming intentionally homeless. Whilst always seeking to be proportionate, in most situations it will be appropriate for us to attempt informal actions to resolve the problems first.

## 10. Communication

- 10.1. We seek to engage with our residents and customers about the service which we provide. We also encourage feedback and use this to continuously improve our delivery.

### **Publicising**

- 10.2. Publicising actions that we take in ASB cases can assist greatly in reassuring communities, encouraging reporting, and deterring those causing ASB. Some of the legal action that we take requires the support of the local community to help us monitor compliance and publicity helps raise awareness of what the person has been asked to do.
- 10.3. We make a decision on whether to publicise, and the extent/methods of doing so, on a case-by-case basis, by considering factors such as the age and circumstances of the person causing the harm, the objectives we are seeking from the publicity, necessity and proportionality.

### **Feedback and complaints**

- 10.4. We welcome feedback in relation to the service we provide and further details about how to share this with us can be found via our website [www.sagehomes.co.uk](http://www.sagehomes.co.uk).

### **Confidentiality**

- 10.5. We may receive reports of ASB. This can make it challenging for us to investigate the matter as we may not have all the information, we need to be able to do so. We will assess anonymous reports, considering whether the severity of the behaviour reported requires further investigation, whether there is a clear reason for why the report has been made anonymously and whether there are any opportunities for investigating further that do not require knowledge of who the reporter is.
- 10.6. Sometimes reporters may wish to remain confidential. Whilst we will not name the reporter, we are required to disclose and discuss the details of the report with the person alleged to be causing the harm. There may be times where the nature of the report makes it clear who is likely to have made the report.
- 10.7. In addition, there are times where our legal obligations mean that we are unable to promise confidentiality. For example, if a person tells us something that is a criminal offence, or we believe they are a risk to themselves or to others.

### **Vexatious, unreasonable, and persistent complainants**

- 10.8. Whilst we wish to encourage reports of ASB, there are times where this reporting can be inappropriate. This may be where:
- The report is malicious, false or exaggerated.
  - The reports relate to matters that we have already made a decision on and there is no new information.
  - The reporting is so persistent that it is having an unreasonable impact on our time and resources.
- 10.9. We will seek to understand the reason for these types of reporting, for example, whether the contact arise from an unmet support need or whether we have missed

opportunity to intervene or made an incorrect decision. However, we may need to take action in line with our corporate policy to manage the inappropriate reporting.

- 10.10. There may be occasions where the persistency of the contact, or the vexatious nature of it, is so unreasonable that we consider the contact to be anti-social and/or a breach of tenancy in itself. Where we determine this to be the case, we may take necessary action in line with this policy.

### **The ASB Case Review**

- 10.11. The ASB Case Review is a legal process that every local authority area must have in place with its partners. It allows resident who are concerned about the progress or outcome of their ASB case to request a review, which can result in recommendations being made.
- 10.12. Details about our local ASB Case Review process can be accessed via our website [www.sagehomes.co.uk](http://www.sagehomes.co.uk)

## **11. Performance**

### **Training and development**

- 11.1. Managing cases of ASB can be complex, requiring a wide range of skills, knowledge, and experience. Through supervision, we seek to identify the needs of case officers, sourcing relevant training courses or materials where appropriate. We also aim to keep officers updated on changes in regulation, legislation, and best practice, via training, attendance at webinars etc.
- 11.2. Case officers also attend regular case supervision sessions where they can seek advice and support in relation to casework.

### **Performance management**

- 11.3. We undertake a number of activities focussed on ensuring that we are delivering a well-performing service and are continuously learning and improving. These include:
- Case file audits to ensure compliance with policy and process.
  - Reviewing customer feedback to identify opportunities for service development.
  - Reviewing outcomes from service complaints, ombudsman enquiries and ASB case reviews to identify opportunities for continuous improvement.

## **12. Equality and diversity**

- 12.1. Sage is committed to making sure all services are accessible to all our customers. Our staff will be trained to make sure they are communicating appropriately with our customers, and they have the relevant information.
- 12.2. This policy will be applied in a way which makes sure we treat all customers with fairness and respect. We recognise our duty to advance equality of opportunity and prevent discrimination or victimisation on the grounds of age, sex, sexual orientation, disability, race, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership and any other protected characteristic defined within the

[Equality Act 2010.](#)

- 12.3. On request, wherever possible we will endeavour to provide translations of our documents, policies and procedures in various languages and formats including braille and large print.
- 12.4. We understand our duties under the Equality Act in relation to managing ASB and will:
- Seek to understand whether the perpetrator has a disability as defined by this legislation and whether the ASB reported is linked. Where we believe it is, we will assess whether intended action is a proportionate means to a legitimate aim before deciding to proceed.
  - Ensure that we have complied with our obligations in relation to the public sector equality duty. Before deciding to take legal action, we will complete an equality act assessment to evidence this compliance.
- 12.5. In all cases where we are considering legal action, we will complete a proportionality assessment to ensure that our decision is necessary and proportionate.
- 12.6. Where we serve legal notice to end a starter tenancy or to rely on the absolute ground for possession, we will offer the tenant a right to appeal our decision.

## 13. Delivery of this policy

- 13.1. This policy should be read alongside:
- Good Neighbourhood Management Policy
  - Domestic Abuse Policy
  - Starter Tenancy Policy
  - Safeguarding Adults at Risk
  - Safeguarding Children and Young People at Risk
  - Unacceptable Behaviour Policy
- 13.2. The effective delivery of this policy including training, guidance and support required by staff for implementation of this policy will be provided by the Community Safety Team.

## 14. Policy review

- 14.1. We will review this policy at least once every 4 years to make sure it remains relevant and accurate unless:
- Legislation/regulation or industry changes require otherwise, making sure that it continues to meet our aims and industry best practice.
  - We identify any problems or failures in this procedure as a result of customer and stakeholder feedback, complaints, or findings from any independent organisations.

| Version | Checked by                | Amendments       | Approved at/by  | Date of Approval | Published by                           | Date of Review |
|---------|---------------------------|------------------|-----------------|------------------|--|----------------|
| 4.0     | Head of Resident Services | Strategic review | Leadership Team | May 24           | Head of Policy and Service Improvement | May 27         |